

SENATE BILL 168

By McNally

AN ACT to amend Tennessee Code Annotated, Title 24,  
Chapter 7 and Title 40, Chapter 17, to enact the  
"Exclusionary Rule Reform Act of 2007".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, Part 1, is amended by  
adding the following as a new section thereto:

24-7-123.

(a) The provisions of this act shall be known and may be cited as the  
"Exclusionary Rule Reform Act of 2007".

(b) Evidence which is obtained as a result of a search or seizure shall not be  
excluded in a proceeding in a state court on the ground that the search or seizure was in  
violation of the fourth amendment to the Constitution of the United States, if the search  
or seizure was carried out in circumstances justifying an objectively reasonable belief  
that it was in conformity with the fourth amendment. The fact that evidence was  
obtained pursuant to and within the scope of a warrant constitutes prima facie evidence  
of the existence of such circumstances.

(c)

(1) Evidence shall not be excluded in a proceeding in a state court on the  
ground that it was obtained in violation of a statute, an administrative rule or  
regulation, or a rule of procedure unless exclusion is expressly authorized by  
statute or by a rule prescribed by the supreme court pursuant to statutory  
authority.

(2) Evidence which is otherwise excludable under subdivision (1) shall  
not be excluded if the search or seizure was carried out in circumstances

justifying an objectively reasonable belief that the search or seizure was in conformity with the statute, administrative rule or regulation, or rule of procedure, the violation of which occasioned its being excludable.

(d) This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.